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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

Case No. 2:18-cv-00054-SU

**GREATER HELLS CANYON
COUNCIL**, an Oregon nonprofit
corporation,

Plaintiff,

v.

**DEFENDANTS' RESPONSE TO
PLAINTIFF'S NOTICE**

KRIS STEIN, District Ranger for
the HCNRA, Wallowa-Whitman
National Forest, in her official
capacity, and **UNITED STATES
FOREST SERVICE**, an agency of
the United States Department of
Agriculture,

Defendants.

Plaintiff's notice (ECF 34) raises baseless arguments. Defendants provided the Forest Service's LIRA implementation report to be fully responsive and forthcoming in light of this Court's expressed interest in on-the-ground implementation findings. ECF 33 at 2. Defendants plainly stated they did not provide the report as a supplement to the administrative record. *Id.* The report is not part of the administrative record guiding this Court's review of the legal merits of Plaintiff's claims.

Plaintiff's notice also mischaracterizes the LIRA implementation report. The report does not simply show an "expected doubling" of the number of catchfly plants. Plaintiff's notice at p. 3. Rather, the report documents a quadrupling of catchfly plants in pastures in the Rhodes Creek allotment under the new LIRA grazing system. It also documents 1190 catchfly plants in the Toomey allotment under the new LIRA grazing system, whereas pre-LIRA-decision field work found only 489 plants there. As the report found, "Essentially, the more we find the more resilient we believe the population is, and that improves the management decision space we can utilize." ECF 33 at 9.

Dated this 11th day of December, 2018.

Respectfully submitted,

BILLY J. WILLIAMS
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District of Oregon

/s/ Sean E. Martin
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